

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *ag* D.C.

05 DEC -5 PM 4: 17

ANDREA LONG,

Plaintiff,

vs.

SHERIFF DAVID WOOLFORK, et al.,

Defendants.

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X

No. 05-2876-Ma/V

THOMAS W. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TENNESSEE

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 1406(a)

Plaintiff Andrea Long, Tennessee Department of Correction prisoner number 377599, an inmate at the Tennessee Prison for Women in Nashville, Tennessee, filed a pro se complaint pursuant to 42 U.S.C. § 1983 on November 25, 2005, concerning her prior confinement at the Madison County Jail. Because this case is being transferred, the assessment of the filing fee will be left to the transferee court.

Twenty-eight U.S.C. § 1391(b) authorizes the commencement of a civil action only in a judicial district

(1) where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred . . . , or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

This claim has no connection with the Western Division of this district. All the defendants can apparently be found in Madison County, and the allegedly wrongful acts occurred in Madison County.

Madison County is in the Eastern Division of the Western District of Tennessee. 28 U.S.C. § 123(c)(1). Accordingly, the complaint asserts no basis for venue in the Western Division of this district.

Twenty-eight U.S.C. § 1406(a) states:

The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.

For the reasons stated, this action should have been brought in the Eastern Division of this district. 28 U.S.C. § 123(c)(1). Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. § 1406(a), that this case is TRANSFERRED, forthwith, to the Western District of Tennessee, Eastern Division.

IT IS SO ORDERED this 2^d day of December, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02876 was distributed by fax, mail, or direct printing on December 15, 2005 to the parties listed.

Andrea Long
377599
Tennessee Prison For Women
3881 Stewart Lane
Nashville, TN 37218

Honorable Samuel Mays
US DISTRICT COURT